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By ROBERT C. DOTY Special to The New York Times.
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Abul Faths, Critics of Regime, Face Loss of Newspapers—Prison Terms Waived

By ROBERT C. DOTY
Special to The New York Times.

CAIRO, Wednesday, May 5—Egypt's military regime has disposed of two of its most outspoken press critics by sentencing the owner and publisher of the Cairo daily Al Misri to ten and fifteen years in prison and confiscating from them assets worth more than $1,000,000.

The defendants, found guilty yesterday of attempting to corrupt the government and of making propaganda abroad hostile to the regime, were Mahmoud Abul Fath, 62 years old, and his brother, Hussein Abul Fath, 53, owner and publisher respectively of Al Misri and five French and English-language dailies in Egypt.

The Revolution Command Council confirmed the sentences early this morning and revoked the publishing license for Al Misri, cutting off publication of today's issue. The paper, which has appeared continuously since October, 1936, had a circulation of about 100,000 and was one of the three largest in Cairo.

Guards were posted around the offices of the Societé Orientale de Publicité, owned by the Abul Faths, where the English-language Egyptian Gazette and the French-language Journal d'Egypte and La Bourse Egyptienne are published.

Revenues to Be Seized

Because the licenses of those papers are held in the names of other officers of the corporation, there was no immediate interruption of publication. These three papers were to appear under the control of a Government custodian and their revenues were to be seized to meet the confiscation order.

The sentence was pronounced by three members of the ruling Revolution Command Council, sitting as the Revolutionary Tribunal, an extra-legal body, after a two-day trial notable for its rough-and-ready procedure and admission of hearsay evidence.

Mahmoud Abul Fath, owner of the publishing enterprise, tried in absentia during his absence in Switzerland, was sentenced to ten years imprisonment and ordered to forfeit £358,438 ($1,035,000) allegedly gained by illegal means. Hussein Abul Fath, publisher of Al Misri, received a suspended sentence of fifteen years' imprisonment.

The prosecution's case against Mahmoud rested largely on testimony of a Cairo lawyer concerning the defendant's business dealings with a Swiss business man nearly three years ago. It was alleged that the newspaper owner had obtained a contract giving him half the profits on the Swiss concern's business in Egypt on representation that he alone had enough influence with the Government to straighten out the concern's legal difficulties here.

This evidence was given by a lawyer who had represented the Swiss business man in long, bitter and unsuccessful negotiations with the elder brother.

The substance of the testimony of another prosecution witness was that he had been told by a German friend that Mahmoud Abul Fath had favored the German-Israeli reparations agreement—opposed by all the Arab states—and had been under Zionist influence.

Part of the testimony concerning the Swiss dealing was disputed by a defense witness who had been involved in them. Other defense witnesses testified that the defendant had been a valuable unofficial adviser to the Egyptian delegation at the San Francisco conference founding the United Nations in 1945 and that his political and journalistic activities abroad had been in the interests of Egypt.

Against Hussein Abul Fath the prosecution alleged that he had sought to obtain arms contracts from the Ministry of War and Marine and had offered money to the father of an officer in a position to swing an arms contract to a concern the defendant represented.

The defense contended that it was the Government that had taken the initiative in negotiating the contract with the concern Hussein represented and that the defendant had stood to gain only the equivalent of about $25,000 from the deal instead of nearly $6,000,000 as alleged by the prosecution.

Plot Against Regime Charged

The prosecution got closer to the substance of the case, in the opinion of most observers, when Ahmed Muwafy, the public prosecutor, charged: "We know, however, that, in complicity with other elements, he [Mahmoud] is trying by any means to overthrow the present regime."

During a temporary relaxation of internal press censorship in March, when a struggle was under way between Lieut. Col. Gamal Abdel Nasser, the Premier, and the military, on one hand, and Maj. Gen. Mohammed Naguib, the President, and civilian politicians on the other, the Abul Fath publications took the lead in demanding the return of constitutional parliamentary government.

Describing the case as one involving the principles of a free press, Dr. Wahid Raafat of defense counsel argued that it was no crime for a newspaper to urge the return of parliamentary life and that the Revolution Command Council iitself had been divided on this issue.

The defense attorney boldly attacked the basis of the court and its procedure, adding that there had been an old dispute between Mahmoud and Lieut. Col. Anwar El Sadat, president of the tribunal, that might have an effect on the verdict.

Sentenced by Egypt's Military Regime



Mahmoud Abul Fath



Associated Press

Hussein Abul Fath

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